

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2078 of 2007

Dated:22.03.2007

Between:

P.V.Subba Rao and others.

...Petitioners.

and

The Revenue Divisional Officer, Machilipatnam and others.

...Respondents.

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ORDER:

The first petitioner is a paternal grandfather of petitioners 2 and 3. The first petitioner purchased agricultural land admeasuring Acs.3.40 cents in R.S.No.61 situated in Yaddanapudi Village, Movva Mandal, Krishna District, under registered sale deed, dated 11.05.1984. It is also alleged that his son purchased an extent of Ac.0.71 cents of land in R.S.No.61, under another sale deed, dated 06.05.1991, and the family is also in possession of other small extents of land in R.S.Nos.61 and 62/2 of the said Village. It appears that in the family partition, the son of the first petitioner and petitioners 2 and 3 got an extent of Acs.1.32 cents of land in R.S.No.61, in whose favour pattadar passbooks and title deeds were issued. The land is contiguous totally admeasuring Acs.6.13 cents. The family statedly dug a bore-well for irrigating the land and fixed an oil engine. It is alleged that on a representation made by respondents 3 and 4, the second respondent came to the lands and seized the engine handle directing them not to carry on agricultural operations. No notice was given to the petitioners and therefore, they filed the present Writ Petition seeking appropriate declaration and direction.

At the stage of admission itself, the second respondent filed a counter-affidavit. It is stated that respondents 3 and 4 gave a representation to the second respondent alleging that they raised dry crops, which are ripe for harvesting, but due to paddy cultivation by the petitioners in the Rabi season, there is inundation of water into their lands resulting in loss. On receipt of the representation, the Mandal

Revenue Officer instructed the Revenue Inspector, who visited the land and requested the petitioners and respondents 3 and 4 to solve the problem amicably. While denying the allegations made by the petitioners, it is stated as under.

I respectfully submit that neither the Revenue Divisional Officer nor the Mandal Revenue Officer nor the Mandal Revenue Inspector have ceased the bore of the petitioner i.e. the respondents 1 and 2 nor the Revenue Inspector never ceased the bore of the writ petitioner and the allegation made is self-serving. What all we have done is advising the petitioners not to fight with the neighbouring landholders and to settle their dispute of amicably. The petitioner is drawing the water from the bore well all through and is drawing the water even today and the bore is never ceased the allegations are far from truth and therefore the writ petition is liable to be dismissed.

I respectfully submit that the filing respondents have not ceased the bore of the petitioner nor ceased the oil engine nor taken away the handle of the oil engine the allegations are false and self-serving and appears to have made for the purpose of the present writ petition and the petitioner is operating his bore well and drawing the water for paddy crop raised in his land.

The second respondent does not dispute that he has taken some action on the representation made by respondents 3 and 4. The allegation that the handle of the oil engine was seized is, however, denied. The same is recorded. This Court also observes that if respondents 3 and 4 actually or allegedly suffered any loss due to paddy cultivation by the petitioners by using the bore-well water and if there is any loss or damage to the lands of respondents 3 and 4, their remedy is to approach the civil Court and seek redressal. Unless and until the petitioners draw water for the purpose of irrigation from a Government source of irrigation, respondents 1 and 2 cannot be said to have any say in the matter.

The Writ Petition, with the above observation, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

22.03.2007

GJ

